IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 3648 of 2004

Between:
1 N.Venkata Narayana, S/o.Janardhana Rao,
R/o.Durga Agraharam, Vijayawada,Krishna Dist.
2 N.Dakshyani, W/o.N.Venkata Narayana,
R/o.Durga Agraharam, Vijayawada,Krishna Dist.
..... PETITIONERS

AND

1 Vysya Bank Ltd., Satyanarayanapuram,
Vijayawada,Krishna Dist. rep. by its Manager.
2 Debt Recovery Tribunal, at Visakhapatnam,Visakhapatnam Dist. rep. by its recovery officer.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or directions or order more particularly one in the nature of writ of Mandamus declaring orders dated 28-11-2003 passed in I.A. No.699 of 2003 in O.A.No.638 of 2002 on the file of the 2nd respondent Tribunal is opposed to law, weight of evidence, probabilities of case, error apparent on the face of records, material irregularities, and set aside the same and direct the 2nd respondent Tribunal to considered the case of petitioners herein on merits and dispose off main O.A.No.638 of 2002 pending before it by exercising the Jurisdiction conferred on it under the provisions of Recovery of Debts due to Bank and Financial Institutions Act, 1993 based on letter dated 23-8-1988 filed by 1st respondent and to pass

such other order or orders in the interests of justice.

Counsel for the Petitioner: MR.SRINIVAS POLAVARAPU

Counsel for the Respondent No.: Mr.Addepalli Suryanarayana

For Respondent No.2. – T.Suryakaran Reddy, SC for CG.

The Court Made the Following :

ORAL ORDER: (per The Honourable Sri Devinder Gupta, the Chief Justice)

Petitioners sought quashing of the order passed by the Debts Recovery Tribunal, Visakhapatnam dated: 28.11.2003 in I.A.No. 699 of 2003. By the said order, petitioners wanted the petition filed by respondent-Bank be dismissed on the ground that full amount had been paid to the Bank. For such kind of relief, petitioner has to seek redressal under the provisions of the Recovery of Debts due to Banks and Financial Institutions Act, 1993. Filing of Writ Petition is totally misconceived in view of the alternative remedy. The Writ Petition, therefore, is dismissed. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

VR.

To

1 Vysya Bank Ltd., Satyanarayanapuram,

Vijayawada,Krishna Dist. rep. by its Manager.

2 Debt Recovery Tribunal, at Visakhapatnam,Visakhapatnam Dist. rep. by its Recovery Officer.

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